

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:18-CV-00008-GCM**

**MARISSA LOVINGOOD,**

**Plaintiffs,**

**v.**

**NANCY A. BERRYHILL,**

**Defendants.**

**ORDER**

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), and in light of this Court’s March, 28, 2019 Judgment remanding this case to Defendant Acting Commissioner for further administrative proceedings and the parties Consent Motion,

IT IS HEREBY ORDERED that the Defendant pay \$2,778.98 in attorney fees in full satisfaction of any and all claims Plaintiff may have in this case under EAJA. That, additionally, Plaintiff shall be paid \$420.67 in costs from the Judgment Fund by the U.S. Department of the Treasury pursuant to 28 U.S.C. §2412(a)(1).

Pursuant to the United States Supreme Court’s ruling in *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department’s Offset Program to satisfy any preexisting debt Plaintiff may owe to the United States Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the United States that would

subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her counsel.

**SO ORDERED.**

Signed: July 2, 2019

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

